

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RICHARD COOEY, et al.,	:	Case No. 2:04cv1156
Plaintiffs,	:	District Judge Frost
vs.	:	Magistrate Judge Abel
TED STRICKLAND, Governor, et al.,	:	
Defendants.	:	This is a death penalty case.

INTERVENOR-PLAINTIFF NICOLE DIAR'S NOTICE OF VOLUNTARY DISMISSAL

Under Fed. R. Civ. P. 41(a)(1), Intervenor-Plaintiff Nicole Diar hereby voluntarily dismisses the Complaint she filed in this Court on February 20, 2007, in accordance with Cooey v. Strickland, 479 F.3d 412 (6th Cir. 2007), and due to the remanded sentencing hearing ordered by the Ohio Supreme Court in State v. Diar, 900 N.E.2d 565 (Ohio 2008).

Respectfully submitted,

s/ Ruth L. Tkacz

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COUNSEL FOR PLAINTIFF DIAR

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties.

s/ Ruth L. Tkacz

Ruth L. Tkacz

Assistant State Public Defender